

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO**

June 23, 2009

WORK SESSION

A work session convened at 6:02 PM at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado to discuss Advisory Board Goals & Priorities. Those present were Mayor Russell, Trustees Keith Baker, Joel Benson, Mark Boston, Norm Nyberg, Robert Flint, Town Administrator Sue Boyd, Town Planner Shannon Haydin, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer. Also present were members of the Beautification Committee, Recreation Board, Trails Advisory Board and the Tree Board. To provide background information on what the Boards are doing and things that may generate issues during the 2010 Budget process.

Each Board presented their history, accomplishments, future desired projects, budget requests and revenue sources.

Trustee Mitchell joined the work session at 6:09 PM.

Beautification Committee: asked that the Town cover the cost of 40 planters inclusive of plants, soil, fertilizer, kayak liners, etc. for \$1,000.

Recreation: looking for eight Rec. Board advisory members with alternating terms and have them create a master plan; requesting funding for the Recreation Brochure of \$500 per publication x 3 = \$1500 annually; hiring a consultant to see about needs and limited facilities in Town; requested a liaison from the Trustees to attend their meetings. Trustee Mitchell volunteered.

Trails Advisory Board: itemized Capital Improvement projects, extension of specific trails, noted proposed goals as they relate to the Comprehensive Plan; requested budgeting funds for trail maintenance and matching grant funds.

Tree Board: want to survey trees in Town via a GPS system; authorize an Arborist to remove diseased/dying trees; seek grant funding; \$23,775 was budgeted in 2009 and will request the same in 2010.

Discussion on a follow-up to the requests will be scheduled for a work session prior to a regular meeting. The work session concluded at 7:09 PM.

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:12 PM, Tuesday, June 23, 2009, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Keith Baker, Robert Flint, Mark Boston, Norm Nyberg, Joel Benson, Brett Mitchell, Town Administrator Sue Boyd, Town Attorney Lee Phillips, Town Planner Shannon Haydin, Airport Manager Bob Johnson, Public Works Director Roy Gertson, Police Chief Jimmy Tidwell, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Russell led in the Pledge of Allegiance.

AGENDA ADOPTION

Motion #1 by Trustee Benson, seconded by Trustee Mitchell, to adopt the agenda as presented. Motion carried.

CONSENT AGENDA

- A. **Minutes**
- 1. Regular Meeting – June 9, 2009
- B. **Advisory Board Minutes**
- 1. Planning & Zoning Commission
- 2. Recreation Advisory Board
- C. **Street Closure Request**
- 1. Should the Board approve a request from the Chamber of Commerce to close E. Main Street from Court Street to S. San Juan on July 4, 2009, from 10 AM – noon for the annual 4th of July Parade?
- 2. Should the Board approve a request from Tom White to close E. Main Street on July 4, 2009, from 8:45 AM – 9:45 AM for the First Annual Buena Vista Freedom 5K Run?
- 3. Should the Board approve a request from the Collegiate Peaks Music Festival to close South Main and Front Loop on July 24 at noon until July 26, 2009 at 6 PM for the annual Music Festival?
- 4. Should the Board approve a request from the Chamber of Commerce to close Lake Street on July 31, 2009 at 9 AM until August 2, 2009 at 9 PM for the annual Gold Rush Days and to close E. Main Street down to Lake Street on August 2, 2009 from 10 AM – 2 PM for the annual Burro Race?
- 5. Should the Board approve a request from the Collegiate Peaks Rodeo to close East Main Street at Avery Parsons Elementary to Tabor Street on July 11, 2009 from 11 AM – 2 PM for the annual Rodeo Parade?
- D. Should the Board approve adoption of Resolution #42, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA COLORADO, APPROVING A CONTRACT EXTENSION WITH ACA, PRODUCTS, INC. FOR THE E. MAIN STREET IMPROVEMENT PROJECT**"?
- E. Should the Board approve adoption of Resolution #43, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AMENDING GENERAL POLICIES FOR THE USE AND SCHEDULING OF THE BUENA VISTA COMMUNITY CENTER**"?
- F. Should the Board approve adoption of Resolution #44, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA APPOINTING JED SELBY AS A VOTING MEMBER OF THE PLANNING AND ZONING COMMISSION**"?

Mayor Russell asked if the street closure for the Freedom Run takes into account all areas for public safety. Roy Gertson stated he will work with the Police Dept. Sue Boyd added they were asked to coordinate with the July 4 activities to make sure that is done and were told it has been done. Kathi Perry noted they advised the parade participants to be aware of the 5K in progress and to get to the line-up on E. Main they need to utilize side streets, they are in support of the Freedom Run and are working with them in any way possible. Discussion followed on the additional \$50 fee being paid when the street is already closed - the fee is to process the application and there are liabilities to the individuals for each event; signage; encouraging parade participants to take side streets to get to the line-up. Chief Tidwell spoke with Tom White about the event and the Police Dept. is prepared. Discussion continued on the Burro Race route; Gold Rush will be at McPhelemy Park with Lake Street closed for vendors; Lake St. to Main for set-up; burro race will start west of the stop light and when the light changes they will take off to the river area.

Trustee Benson asked about Resolution #42, if the date in the 4th Whereas should be July 19. Roy stated June 19 was correct. Joel asked if it was procedurally correct for Jed Selby to make a motion as an alternate member. Lee Phillips advised that if he was filling in for a vacant voting member he could.

Trustee Benson requested a correction on page 11, the second paragraph from "i.e." to "e.g."
Mayor Russell asked about vacancies on P&Z with the movement of Jed to a voting member. Shannon stated it leaves an alternate member vacancy.

Motion #2 by Trustee Flint, seconded by Trustee Boston, to approve the Consent Agenda as amended. Motion carried.

PUBLIC COMMENT

Kathi Perry stated her concerns had been addressed.

OLD BUSINESS

Should the Board approve adoption of Resolution #45, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA GRANTING PLAT APPROVAL FOR THE RAC SUBDIVISION FILING NO. 3**"?

Shannon Haydin noted the Resolution was drafted based on the original motion to approve the Final Plat for the RAC Subdivision with waivers and deferrals; on the Subdivision Improvements Agreement staff tried to find the appropriate trigger on when the infrastructure would be developed in the area and decided the paving of Gregg Drive would be the appropriate time for Pleasant to be paved, the Heiman's were agreeable and staff recommended approval.

Discussion followed on waiving screening requirements "until the character or use changed" which came from P&Z and how we define that (the entire area is industrial, there could be a time when that changes and then it can be reviewed, if there is a change in use that will be the trigger); P&Z wanted a review if there were significant changes; the applicants have been a good business partner for a decade; item #3 of SIA (pavement) and there is no "who is going to do it clause" – Attorney Phillips noted the SIA runs with the land and we can add "concurrently with pavement of Gregg Drive by developer or its successors and interest"; "half of Pleasant Avenue" (the Town owns the western half of the street and would pay for that paving); #8 (remedies) provision for putting liens on the property for the paving portion – Attorney Phillips noted it is normally secured by bond or letter of credit and based on the last Trustee's conversation consensus was to waive that requirement here and denial or revocation of development permits language was drafted; per statutes the Town can certify unpaid fees and surcharges to the County Treasurer for collection as a property tax

Motion #3 by Trustee Flint, seconded by Trustee Mitchell, to approve Resolution #45 with the conditions as outlined by P&Z. Discussion followed on amending the motion to include language in the SIA for item #3 "by developer or its successor in interest".

Trustee Flint amended his motion, seconded by Mitchell, to include the corrections to the SIA. Motion carried.

NEW BUSINESS

PUBLIC HEARING – TO CONSIDER A SPECIAL USE REQUEST ON SCREENED STORAGE IN THE HEIMAN INTERMEDIATE SUBDIVISION

Town Planner Haydin noted this is the final piece of the Subdivision approval from 2006 whereby the Board agreed to waive screened storage with the application of a Special Use Permit and this allows the applicant to continue their existing business operation.

Mayor Russell opened the public comment portion of the hearing at 7:38 PM with none received and closed the comment portion of the hearing.

Discussion followed on "significant change of the character of the neighborhood" is subject to interpretation but as long as it is not in excess of jurisdiction the decision of the municipality can be upheld; the history of the potential for reinstating the screening exists in the SIA, someone's recollection, what records there are and historical use; re-review of SUP requirements can be triggered by a change of use.

- Should the Board approve adoption of Resolution #46, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA APPROVING A SPECIAL USE PERMIT FOR DARELL J. HEIMAN AND LESLIE M. HEIMAN, ALPINE TOWING, FOR THE CONTINUED OPERATION OF SCREENED STORAGE OF VEHICLES ON LOT 2 OF THE RAC SUBDIVISION, SAID PARCEL BEING LOCATED WITHIN THE TOWN LIMITS OF BUENA VISTA, COLORADO**"?

Motion #4 by Trustee Baker, seconded by Trustee Boston, to approve Resolution #46, Series 2009. A brief discussion followed. Motion carried.

Should the Board approve adoption of Resolution #47, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AMENDING THE PERSONNEL POLICIES FOR THE TOWN OF BUENA VISTA EFFECTIVE JULY 1, 2009**"?

Town Treasurer DeChristopher outlined that the Board, at a budget work session, discussed making changes in the payroll system and how we pay employees after the pay period was completed instead of before. The current employee policy talks about compensation and benefits and that is what is being changed; we are creating/defining the work period; when the period is; explaining the types of employee categories; wages and pay plan; identify time cards and specify that employees are required to complete their own time card and discuss over-time premium pay (currently there is none for snow plowing); change paying semi-monthly to bi-weekly; when we change there will be a transition phase and the first pay period is not a full two-week period. Christine met with the Police Dept. and received dissatisfaction of working more than 160 hours to get overtime and they had to work 171 to get time and a half; comp. time was paid previously for working over 160 hours.

Discussion followed on payment of overtime funds and when the funds are gone they are gone; there is \$19,000 in the budget for overtime; scheduling of officers and what other entities are doing such as 4 12-hour shifts; staying with 160 hours and manage overtime funds; setting a 28 day schedule to manage a 10 hour shift; item 6B should be "160" and also in item 6; on page 91 #2 add "2009" after July 11; on page 91 the 1st paragraph, the 4th line change "until" to "through"; a full personnel manual will be presented in September for full-adoption.

Motion #5 by Trustee Benson, seconded by Trustee Boston, to approve Resolution #47 with the amendments as discussed and 171 being reduced to 160. Motion carried.

Should the Board approve adoption of Resolution #48, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA ADOPTING A PAY PLAN AND PAY GRADES FOR TOWN EMPLOYEE POSITIONS**"?

Christine DeChristopher stated the pay plan adopted in 2002 was as a "salary plan" for full-time employees and the Town needs to adopt one for "all positions"; we need to add Part Time positions into the pay plan and change from a salary plan to a "wage plan"; the majority of employees are full-time and get an equivalent of an annual payment but are hourly employees; an hourly range makes the equivalency of the annual rate and creates a true pay scale and pay plan rather than salary plan; the Town Judge is a Part Time salary position and do not know what to do with that except a Resolution such as Trustee positions.

Discussion followed on duties of a Police Lieutenant that can be adopted via resolution when we have the actual position; range 8 designates Police Sergeant and thought that position was exempt (as job duties change they need to be re-evaluated); FLSA criteria has to be applied to each position and a Sergeant in Denver is very different from Buena Vista; Dale Enck researched once and noted that Chief Tidwell was the only who was exempt from overtime.

Motion #6 by Trustee Benson, seconded by Trustee Baker, to approve Resolution #48. Trustee Nyberg abstained from the vote due to a conflict. Motion carried.

STAFF REPORTS

TOWN TREASURER:

- Trustee Benson asked about the payment of \$2382.294 to Cyndi Covell. Sue stated they are continuing to monitor water cases on an on-going basis.
- Christine noted on page 112 town legal expenses under Hayes, Phillips, Hoffman for \$288 was not a town expense but was charged to a subdivision (Cottage Glen).
- Mayor Russell asked about the Town policy on reimbursement of cell phone charges. Christine stated Sean does not have a Town cell phone, in May we had a water emergency, he was on-call and used his personal cell and had overage charges. We will be looking at what we want to do with cell phones in the future; Bob Johnson uses his personal phone and we reimburse him; if we use Town cell phones we are in a pool for minutes used.
- Trustee Flint referenced page 121 and expressed it looks like the County is hurting more than the Town. Trustee Baker (as a business owner) noted their contribution is about the same as last year but not what they would like; Trustee Benson felt it would be better in May; Christine did an April to April comparison, noted we have more restaurants this year and they may all be down a little, we will be "hit" in building materials since there is not as much building construction and they contribute a lot of sales tax dollars. Christine attended the CIRSA annual meeting last week noted most towns are down 20% and Buena Vista does not have the high-end discretionary items to purchase which may be helping us.

PUBLIC WORKS DEPARTMENT

- Monday we poured the last concrete on a stretch of sidewalk; we're going through a punch list of minor items and are working on it this week and will finish this week. The Center line striping is pending; parking striping needs to be completed and street furniture needs to be initiated. Discussion followed on when to do the ribbon cutting - now or after the entire project is done. Council concurred with coordinating during the 4th of July Parade between two of the bump-outs.
- We interviewed for Town Engineer and have hired Rachael Freeman who will start August 1, she is currently in Santa Fe and has several years experience designing subdivisions, is almost finished with her Masters Degree in Water Resource and will have an office at Public Works. Sue added she had significant municipal experience.
- Trustee Benson asked if the Fry Ark Water we purchased was stored indefinitely. Roy stated it is (is an "if and when account") evaporation loss each year that is minimal, we are up to 1332 Acre Feet with the last purchase; with the volume of water we used in May there is 9 acre feet, we have a good bank of water and is being designed to augment future well systems, Cyndi Covell & Trish are working on that.
- Mayor Russell asked about discussions with UAWCD and our water attorney and engineer. Sue noted it is in the Town's court, the attorney and engineers are monitoring on-going discussions

and should move toward another water work session to discuss our participation; has attended UAWCD meetings and they are asking about the agreement also.

- Trustee Mitchell advised Roy about a concern of ants on the NW side of the creek in McPhelmy Park near where the irrigation comes in. Roy will have the Parks Dept. look at it and noted the park is being used more and more.

TRUSTEE/STAFF INTERACTION

Administrator Boyd had the following items to cover:

- I spent the week at the CML Conference, it was time well spent and came back with good ideas that we can bring forward. Cara asked that the CML de-briefing be added to the inter-governmental work session next week.
- This Friday, June 26 is a special meeting for a variance for S Main. There is a joint session on June 29 with other municipalities and solicited agenda items and attendance. Trustee Benson and Mayor Russell will be attending.
- Bicycle Tour of Colorado is a major event coming Friday via Cottonwood Pass, there are 2000 participants with overnight camping; they got a Special Event Liquor License; we just got the liability insurance today and they have not requested a street closure. We have little or no information on traffic control, parking, health and sanitation, etc. and are discussing a Special Event Permit process to be adopted in the future. This is the first time they have stayed in Town overnight and I will find out their sanitation plans from the Event Coordinator. Chief Tidwell noted he uses part time patrol officers for these events and will have three Part-Time officers also.
- We received a letter from the FAA on compliance issues at the airport and are working on a plan including notices to the tenants and will work with the Airport Board.
- UAWCD is having a 30th anniversary party this Thursday at 4PM following their Board meeting.
- The Chaffee Housing Trust has their annual meeting this Thursday from noon to 1:45 also. Mayor Russell noted that Reed McCulloch asked her for recommendations for representation on their Board from Northern Chaffee County, Trustee Benson's schedule does not allow him to attend anymore and solicited input. Christine suggested the Ex. Director for Habitat for Humanity could fill that position.
- Christine DeChristopher noted the boulder park will be completed before the next meeting; we are interested in putting something in the paper before it's done but don't want anyone utilizing it before it is done; terracing is done at the rest of the park, Public Works has other work to complete in the new part of the park. A brief discussion followed.
- Mayor Russell reminded everyone at the work session with the Chamber we discussed doing interviews with businesses, she got a list from Diane and asked for help from Council. Cara noted Gov. Ritter will be in Town at 11:30 on Friday at Columbine Park for a Town Hall meeting. Sue advised she heard it was being held in Columbine Park with lunch at K's Dairy Delite.
- Trustee Boston expressed a new murmur about vendors on the street and asked if sales tax was being reported. Christine stated she gets reports two months later and if she has the names she can check. Mayor Russell added that the vendor fees are not equal to other business owners and it needs to be more equitable to solve hurt feelings.
- Trustee Baker stated Lloyd Swedhin, the former Post Master, is approaching 91 and having health issues, is moving to Kentucky and suggested sending him a card or a phone call; share the road signs are going up, one is at Buffalo Hills and others around town; received concerns about street patching and stated the street guys are doing a great job.
- Mayor Russell asked about chunks of dirt on Rodeo Road by ACA. Attorney Phillips advised if it is storage it is an industrial use, if it is used on the property it is no. Roy got a request from ACA for a permanent screening plan on what they want to do with that soil and it is going to Shannon.
- Trustee Benson asked about the crosswalk by the Library. Roy noted there are a lot of utility junction boxes across from it and it is difficult to do, it would require a re-design and curb cut; the best connection is from the library straight over. Joel asked about code enforcement behind the Roosters Crow for items that are piling up. Shannon stated she can look at it for a code violation or for screening. Joel asked about the cash-in-lieu on parking. Shannon has it scheduled for an ordinance to be considered. Joel asked Sue for updates on Crossman's Addition. Sue advised she met with them a few months ago and then all the staff was gone and are now back and is

hopeful she can sort it out. They are looking for situations you would deal with in a subdivision, it is already subdivided and is difficult to proceed.


ADJOURNMENT

Motion #7 by Trustee Baker, seconded by Trustee Mitchell, noting that there being no further business to come before the Board declared that the meeting be adjourned at 8:53 PM. Motion carried.

Respectfully submitted:



Mayor, Cara Russell



Town Clerk, Diane Spomer